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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/892,092	07/14/1997	TAKU YAMAGAMI	35.G1994	6547

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/892,092

Applicant(s)

YAMAGAMI, TAKU

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2002.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15, 17, 18, 21-40, 45-52 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17, 18, 21-40, 45-52 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Please note that this case has been assigned to a different examiner. The case has been docketed to John Villecco.
2. This action is made non-final due to the new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 21-35, 37-39, and 45-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (U.S. Patent No. 5,633,678).**

5. Regarding claim 21, Parulski discloses an electronic still camera for automatically capturing and categorizing images. The camera includes an image sensor CCD (12) for picking up an image. The system of operating the electronic camera begins with the user inputting

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category information onto a memory card, or the like, with a host computer (col. 4, lines 56-66).

The memory card (24) is then inserted into the camera and the category information is uploaded to the camera. The processor (20) serves as the determining means since it relates the captured image to the appropriate category. The category information can include names and text strings (col. 4, line 62). The name represents user exclusive information. The categories are set up by the user and thus are exclusively used by the user. Once the categories are loaded an image is taken and categorized into one of the categories. After categorization the data is stored along with the image in the removable storage device (col. 5, line 1).

6. As for claim 22, the processor (20) retrieves the attribute information (in the form of the user categories) from the memory card (24) which is set in the host computer.

7. Regarding claim 23, since the memory card serves as the medium between the host computer and the camera. The processor (20) which serves as the determining means receives the attribute information by communicating with the external device using the memory card.

8. With regard to claim 24, since the user is the one who establishes the categories, the information provided to the camera is exclusive to the user. Furthermore, Parulski discloses the ability to use names for categories. It would have been obvious to one of ordinary skill in the art to give one of the categories a name that is exclusive to the user.

9. As for claim 25, the attribute data from the memory card (24) is correlated by the processor with the image data which is then stored onto the memory card.

10. Regarding claim 26, Parulski discloses an image sensor CCD (12) for capturing the image.

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11. Claim 27 is considered a method claim corresponding to claim 21. Please see the discussion of claim 21 above.
12. Claim 28 is considered a method claim corresponding to claim 22. Please see the discussion of claim 22 above.
13. Claim 29 is considered a method claim corresponding to claim 23. Please see the discussion of claim 23 above.
14. Claim 30 is considered a method claim corresponding to claim 24. Please see the discussion of claim 24 above.
15. Claim 31 is considered a method claim corresponding to claim 25. Please see the discussion of claim 25 above.
16. Claim 32 is considered a method claim corresponding to claim 26. Please see the discussion of claim 26 above.
17. As for claim 33, Parulski discloses an electronic still camera for automatically capturing and categorizing images. The camera includes an image sensor CCD (12) for picking up an image. The system of operating the electronic camera begins with the user inputting category information onto a memory card, or the like, with a host computer (col. 4, lines 56-66). The memory card (24) is then inserted into the camera and the category information is uploaded to the camera. The processor (20) serves as the determining means since it relates the captured image to the appropriate category. The category information can include names and text strings (col. 4, line 62). The name represents user exclusive information. The categories are set up by the user and thus are exclusively used by the user. Additionally, the memory card (24) would store the form of the category information. The number and type of category corresponds to the

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form of the attribute data. Once the categories are loaded an image is taken and categorized into one of the categories. After categorization the data is stored along with the image in the removable storage device (col. 5, line 1).

18. Regarding claim 34, since the user is the one who establishes the categories, the information provided to the camera is exclusive to the user. Furthermore, Parulski discloses the ability to use names for categories. It would have been obvious to one of ordinary skill in the art to give one of the categories a name that is exclusive to the user.

19. As for claim 35, the attribute data from the memory card (24) is correlated by the processor with the image data which is then stored onto the memory card.

20. Claim 37 is considered a method claim corresponding to claim 33. Please see the discussion of claim 33 above.

21. Claim 38 is considered a method claim corresponding to claim 34. Please see the discussion of claim 34 above.

22. Claim 39 is considered a method claim corresponding to claim 35. Please see the discussion of claim 35 above.

23. Regarding claim 45, Parulski discloses an electronic still camera for automatically capturing and categorizing images. The camera includes an image sensor CCD (12) for picking up an image. The system of operating the electronic camera begins with the user inputting category information onto a memory card, or the like, with a host computer (col. 4, lines 56-66). The memory card (24) is then inserted into the camera and the category information is uploaded to the camera. Thus the information on the memory card is pre-recorded. The processor (20) serves as the retrieving means since it retrieves the category information stored in the memory

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card (24). The RAM instruction memory records the attribute information for use by the processor (col. 5, lines 42-51). The category information can include names and text strings (col. 4, line 62). The name represents user exclusive information. The categories are set up by the user and thus are exclusively used by the user. Additionally, the memory card (24) would store the form of the category information. The number and type of category corresponds to the form of the attribute data. Once the categories are loaded an image is taken and categorized into one of the categories. After categorization the data is stored along with the image in the removable storage device (col. 5, line 1).

24. As for claim 46, since the user is the one who establishes the categories, the information provided to the camera is exclusive to the user. Furthermore, Parulski discloses the ability to use names for categories. It would have been obvious to one of ordinary skill in the art to give one of the categories a name that is exclusive to the user.

25. Regarding claim 47, the attribute data from the memory card (24) is correlated by the processor with the image data which is then stored onto the memory card.

26. With regard to claim 48, Parulski discloses an image sensor CCD (12) for capturing the image.

27. Claim 49 is a method claim corresponding to claim 45. Please see the discussion of claim 45 above.

28. Claim 50 is a method claim corresponding to claim 46. Please see the discussion of claim 46 above.

29. Claim 51 is a method claim corresponding to claim 47. Please see the discussion of claim 47 above.

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30. Claim 52 is a method claim corresponding to claim 48. Please see the discussion of claim 48 above.

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. **Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui (U.S. Patent 5,640,204) in view of Steinberg et al. (U.S. Patent No. 5,862,217).**

33. Tsutsui discloses a method of processing data from a digital still camera in which a user can pull directory information from a memory card (6) and can edit the directory information to meet his/her needs. Column 4, lines 14-50 and Figure 3 describe the process of reading the FAT and DIR information into the camera for editing. Once the information has been appropriately edited it is saved back onto the memory card. In this case the attribute data is determined to be the FAT and directory information of the image data.

However, Tsutsui fails to disclose authentication information storage means for storing authentication information for changing attribute data or input means for inputting attribute data. Steinberg, on the other hand, discloses a camera which uses in-camera encryption so that unauthorized access is not permitted (see abstract). The user supplies the camera with a password and the image and the password are processed. Once the user decides to print the image the user is asked for the password again. If the correct password is supplied then the

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image is able to be printed (col. 5, line 14). Inherently the host computer (12) would contain a storage means for storing authentication information. Furthermore, the camera includes an input means since the user is required to enter the password to decrypt the data (block 112, Figure 3). The use of etherification information allows image data to be securely transferred and viewed without being view by external sources. Therefore, it would have been obvious to ask the user to provide authentication information before editing the FAT and directory information, as in Tsutsui, so that the information is not changed by someone who is not authorized.

34. Claims 36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (U.S. Patent No. 5,633,678) in view of Kawamura et al. (U.S. Patent No. 5,899,581).

35. Regarding claim 36, as mentioned previously in the discussion of claim 33, Parulski discloses all of the limitations of the parent claim. However, Parulski fails to disclose that the attribute information includes process information regarding a file name. Kawamura, on the other hand, discloses that it is well known in the art to name files according to image type attributes. See Figures 2 and 4. If the image is a single shot, it is given a specific name for single shots. By naming a file according the type of image it is, the user can quickly and easily identify the image type, thus facilitating file management. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include attribute information that include file name information so that an image can be named for easy identification.

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36. Claim 40 is a method claim corresponding to claim 36. Please see the discussion of claim 36 above.

37. **Claims 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (U.S. Patent No. 5,633,678) in view of Anderson et al. (U.S. Patent No. 5,943,093)**

38. Regarding claim 13, Parulski discloses an electronic still camera for automatically capturing and categorizing images. The system of operating the electronic camera begins with the user inputting category information onto a memory card, or the like, with a host computer (col. 4, lines 56-66). The memory card (24) is then inserted into the camera and the category information is uploaded to the camera. The category information can include names and text strings (col. 4, line 62). The name represents user exclusive information. Once the categories are loaded an image is taken and categorized into one of the categories. The image is inherently named as a function of the category so that it can be recalled for later display of a respective category. After categorization the data is stored along with the image in the removable storage device (col. 5, line 1).

Parulski, however, fails to disclose a mode setting means for setting a photographing recording mode or saving the image file as a function of the mode and user exclusive information. Anderson, on the other hand, discloses a camera capable of selecting a photographing mode and automatically saving and storing the images according to the selected mode. The camera is capable of operating in a still mode, movie mode, and time-lapse mode, among others (col. 5, lines 21-52). The camera would inherently include a means for switching

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from one mode to another. Furthermore, Anderson teaches the ability to "tag" images which have certain attributes. It is submitted that the tags are used in the naming process since they are used to identify the images. Additionally, Anderson teaches that image group names can be automatically derived based on the type of group which is represented (col. 6, lines 17-67). The ability to automatically name and save images under appropriate headings allows for excellent image file management and for easily identifying related image data (col. 2, lines 23-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically categorize the images according to the mode and the user exclusive information from Parulski, so that even greater image file management is achieved.

39. Claim 14 is considered substantively equivalent to claim 13, with the added limitation of a constituting method setting means. As mentioned above in the discussion of claim 13, the system of operating the electronic camera begins with the user inputting category information onto a memory card, or the like, with a host computer (col. 4, lines 56-66). This step is indicative of a constituting method setting means. Therefore, the rejection of claim 14 is similar to claim 13. Please see the discussion of claim 13 above.

40. As for claim 15, Parulski discloses that the category information is set in a host computer which serves as an external device. The setting means of the host computer would be the keyboard or the like, for entering data onto the memory card (24).

41. Claim 17 is also considered substantially equivalent to claim 13 with the exception that the mode setting means from claim 13 has been left out. Please see the discussion of claim 13 above.

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42. As for claim 18, Parulski discloses that the image data and the category information, which includes user exclusive information, are saved together on the memory card. The user can then retrieve the data from the memory card using the host computer. The user is capable of retrieving only specific data. As shown in Figure 10, the user can download the images and along with the category information. Thus, the user can reproduce both the image and the user exclusive information.

Any response to this action should be mailed to:

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or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
9/30/02



WENDY R. GARBER
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